

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:07-cv-00395-FL

| | | |
|-------------------|---|---------------|
| Dale Viverette |) | |
| Plaintiff, |) | |
| v. |) | <u>NOTICE</u> |
| |) | |
| Michael J. Astrue |) | |
| Defendant. |) | |

Attached to this notice is a memorandum and recommendation of a United States Magistrate Judge in this action that has been entered on the records of this court pursuant to 28 U.S.C. §636(b)(1)(c), Fed.R.Civ.P. 72(b)(2)–(3), and Local Civil Rule 72.4(b), EDNC. Rule 72(b) provides as follows:

(2) *Objections.* Within 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations. A party may respond to another party's objections within 10 days after being served with a copy. Unless the district judge orders otherwise, the objecting party must promptly arrange for transcribing the record, or whatever portions of it the parties agree to or the magistrate judge considers sufficient.

(3) *Resolving Objections.* The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended decision; receive further evidence; or return the matter to the magistrate judge with instructions.

You are hereby notified that unless written objections in accordance with this rule are filed within 10 days after receipt of this memorandum and recommendation, you will have waived the right to further consideration of these issues by the district judge, and an appropriate order based on the memorandum and recommendation will be entered. Furthermore, failure to file timely objections to the findings and recommendation set forth by the magistrate judge may result in a waiver of the right to appeal from a

judgment of this court based on such findings and recommendations.

See Wright v. Collins, 766 F.2d 841 (4th Cir. 1985).

Date Filed:
May 2, 2008

/s/Dennis P. Javarone
Clerk of Court